

## **REMARKS/ARGUMENTS**

Claims 1-82 are pending.

### **Examiner's USC § 112 rejections**

Applicant has done the following to overcome these 112 rejections:

Amended claim 1 adding “and adding an optically responsive agent to either the solvent or the mesostructured composite.”

Amended claim 3 to read optically responsive “agent.”

Amended claim 4 to depend on claim 3 instead of claim 1.

Amended claim 9 to depend on claim 2 instead of claim 1.

Amended claim 10 to depend on claim 2 instead of claim 1.

Amended claim 20 to read “said inorganic network precursor species” instead of “said inorganic network precursor.”

Amended claim 21 to read “said inorganic network precursor species” instead of “said inorganic network.”

Amended claim 22 to depend on claim 83 instead of claim 18.

Amended claim 28 to read “agent is a” instead of optically responsive moiety.”

Amended claim 32 to read “said inorganic network precursor species” instead of “said inorganic network precursor.”

Amended claim 33 to read “said inorganic network precursor species” instead of “said inorganic network precursor.”

Amended claim 34 to read “said inorganic network precursor species” instead of “said inorganic network.”

Amended claim 43 for clarification. Further this amendment should also resolve Examiner's other concerns (Examiner's remarks #15, 16,17, 18, 19, 20).

Amended claim 46 to read “said inorganic network precursor” instead of “said inorganic network.”

Amended claim 47 to read “said inorganic network precursor” instead of “the inorganic network.”

Amended claim 53 to read “said functionalized optically responsive agent” instead of “said optically responsive agent.”

Amended claim 54 to read “said functionalized optically responsive agent” instead of “said optically responsive agent.”

Amended claim 63 to clarify what structural limitations are implied.

Amended claim 64 to clarify what structural limitations are implied.

Amended claim 66 to clarify what structural limitations are implied.

Amended claim 67 to read “device of claim 66” instead of “device of claim 65.” This amendment has also clarified claim 68 (Examiner’s reference #26). Applicant has also amended the typographical error in claim 68.

Amended claim 69 to read “the optically responsive mesoscopically structured material” instead of “the optically responsive mesostructured material.”

Amended claim 70 to read “the optically responsive mesoscopically structured material” instead of “the optically responsive mesostructured material.”

Amended claim 71 to clarify what structural limitations are implied.

Amended claim 72 to read “the optically responsive mesoscopically structured material” instead of “the optically responsive mesostructured compound.”

Amended claim 75 to depend on claim 74 instead of claim 73, as well as the typographical error. Further claim 75 has been amended to read “aligned parallel to a plane of the substrate.”

Amended claim 77 to read “aligned parallel to a plane of the substrate.”

Amended claim 78 to read "the optically responsive mesoscopically structured material" instead of "the optically responsive mesostructured material."

Amended claim 81 to clarify what structural limitations are implied.

Amended claim 82 to read "said inorganic oxide precursor" instead of "said precursor species" and "species" has been deleted from line 13.

Added new claim 83.


**USC § 102(b)**

The rejection of claims 1-82 as being anticipated by Sievers et al (WO 99/64504) under 35 U.S.C. § 102(b) is respectfully traversed. Applicants' invention claims both a method of making a network and a network. Block copolymers are a significant, essential part of this network. Sievers mentions use of "organic polymers, polymer precursors or mixtures thereof" (cite page 1 para 13) or "homopolymers and copolymers" (para 14 line 10). Nowhere in Sievers does he disclose block copolymers. Block copolymers have chemical and physical properties that are greatly different from copolymers. Indeed, block copolymers have distinct USPTO class definitions compared to copolymers. Block copolymers are classified as either 525/68 or 525/505, whereas Sievers copolymers are categorized as 524/501 and 524/492. Moreover, the present invention is original in using block copolymers to form transparent mesostructurally ordered materials that are optically responsive. This mesostructural characteristic derives directly from using block copolymers, which Sievers does not use.

In view of the foregoing amendments and remarks, Applicants submit that the present claims are in condition for allowance. A Notice of Allowance is therefore respectfully requested.

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Respectfully submitted,

  
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